UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Authenticity Consulting, LLC

Plaintiff,

Court File No. _________

v.

COMPLAINT

Authenticity Consulting, LLC and Scott Lingren,

Defendants.

Plaintiff Authenticity Consulting LLC for its complaint, alleges as follows:

PARTIES

1. Plaintiff Authenticity Consulting LLC is a Minnesota limited liability company with a principal office at 4008 Lake Drive Avenue North, Minneapolis, MN 55422. It provides products and services for professional and organizational development for companies in Minnesota, throughout the United States, and in countries across the globe.

2. Authenticity Consulting has operated for nearly 20 years and has become one of the global leaders in its field.

3. Authenticity Consulting registered a trademark in its name in 2011 on the principal register at the US Patent and Trademark Office,

Registration number 3898596, claiming first use of December 7, 1998.

4. Affidavits of continued use and incontestability, Sections 8 and 15 of the Lanham Act, have been filed and accepted by the US Patent and Trademark Office. As a result, Plaintiff's registration is incontestable.

5. Defendant Scott Lingren is an individual residing at 123 Carefree Circle, Lakeway, Texas, 78734.

6. On February 4, 2016, Defendant Lingren formed Defendant Authenticity Consulting LLC, as a Texas limited liability company.

JURISDICTION AND VENUE

7. This is an action for violation of the Lanham Act, 15 U.S.C. §§ 1120 and 1125, and violation of Minn. Stat. § 325D.44. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338 and 1367.

8. Venue is proper in this District under 28 U.S.C. § 1391(a) because a substantial portion the events giving rise to Plaintiff's claims occurred in the District

FACTS

9. On April 8, 2016, Defendant Lingren registered a domain at AuthenticityConsultingLLC.com. He launched the website on April 10, 2016.

10. On April 11, 2016, Defendant Lingren registered a domain at AuthenticityQ.com. He has not published a website at this domain.

11. Defendants offer management consulting services through the infringing website. The services directly compete with Plaintiff's management consulting services.

12. Defendants created a company profile at LinkedIn and Manta.com for the competing company.

13. Plaintiff first discovered Defendants' infringing website and competing business in late November 2016, when Lingren and another associate of Lingren sent Plaintiff requests to connect via LinkedIn.

14. On information and belief, Defendants have sent LinkedIn requests to Plaintiff's customers in Minnesota, many of which are publicly listed on Plaintiff's website.

15. In December 2016, Plaintiff sent Defendants a cease and desist letter, a copy of which is attached to this Complaint as Exhibit A.

16. Defendants have not responded to the letter.

17. On January 4, 2017, Plaintiff contacted LinkedIn to request that Defendants' competing business be removed from the site. It was removed on January 12.

18. The day LinkedIn removed Defendants' competing business, Defendant Lingren changed his company affiliation on LinkedIn to The Authenticity Quotient. He did not make any changes to the infringing website or domain.

19. On February 13, 2017, Plaintiff received another request to connect via LinkedIn from a "Jack Smith, co-owner at Authenticity Consulting, LLC." On information and belief, this request came from Defendants.

20. The domain registrations for AuthenticityConsultingLLC.com and AuthenticityQ.com were set to expire in March and April 2017.

21. Defendant Lingren, knowing that the domains, website, and competing company infringed on the registered mark owned by Plaintiff, a Minnesota company, nevertheless renewed both domains in March and April 2017.

22. Defendant Lingren's registration and use of the domain authenticityconsultingllc.com was in bad faith with the intent to divert consumers away from Plaintiff's website.

23. Defendant Lingren's current LinkedIn profile identifies him as President of The Authenticity Quotient and directs management consulting contacts to e-mail Lingren at Scott.lingren@authenticityconsultingllc.com.

24. According to the infringing website, "Real-world experience is leveraged to deliver premium results, as reflected in engagement availability that is extremely limited."

25. According to Lingren's LinkedIn page, Defendant Authenticity Consulting is "fully engaged and not accepting new clients."

COUNT I
FEDERAL TRADEMARK INFRINGEMENT
15 U.S.C. § 1114(1).

26. Plaintiff Authenticity Consulting LLC owns rights to the mark Authenticity Consulting, which are incontestable.

27. Defendants' use of Plaintiff's mark as described above are likely to cause confusion, mistake and deception regarding the source, origin, and affiliation of the services sold by Defendants.

28. Defendants deliberately adopted a company name and a web domain name identical to Plaintiff's registered mark, knowing Plaintiff's senior rights to the mark, and with the intent to profit from the goodwill and value Plaintiff has created through the use of the mark.

29. As a direct and proximate result of Defendant's foregoing acts and conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there may be no adequate remedy at law, including without limitation, the loss

of consumer goodwill. Unless enjoined by the Court, Defendants will continue to infringe Plaintiff's trademark in violation of the Lanham Act.

30. Defendants' deliberate adoption of an identical mark to offer services directly competing with Plaintiff constitutes counterfeiting.

31. Pursuant to 15 U.S.C. § 1117(a)-(b) Plaintiff is also entitled to recover Defendants' profits, damages sustained by Plaintiff, Plaintiff's and costs in bringing this action, reasonable attorneys' fees, treble or statutory damages, and prejudgment interest.

COUNT II:
MINN. STAT. § 325D.44

32. Defendants' operation of the domain name authenticityconsultingllc.com violates several provisions of Minn. Stat. § 325D.44:

a. It causes likelihood of confusion – and actual confusion – as to the source, approval or certification of its services by leading customers to believe they are purchasing the services offered by Plaintiff Authenticity Consulting LLC, violating subd. 1(2).

b. It causes a likelihood of confusion – and actual confusion – as to whether Defendants are affiliated, associated or connected with Plaintiff Authenticity Consulting LLC, violating subd. 1(3).

33. Defendants have engaged in these deceptive trade practices knowing them to be deceptive.

34. Defendants' violations of Minn. Stat. § 325D.44 threaten injury to Plaintiff.

35. Under § 325D.45 subd. 1, Plaintiff is entitled to an injunction barring Defendants from utilizing Plaintiff's mark.

COUNT III
CYBERSQUATTING CONSUMER PROTECTION ACT
15 U.S.C. § 1125(d)

36. Defendant Lingren is the domain name registrant of authenticityconsultingllc.com.

37. Defendant's domain name is identical to Plaintiff's registered mark.

38. Defendant used or registered the domain name in bad faith with an intent to profit from Plaintiff's registered mark.

Based on the allegations above, Plaintiff respectfully requests that the Court enter judgment:

1. Awarding Plaintiff Authenticity Consulting LLC damages for violations of the Lanham Act, §§1114(1)(a) and 1125(d).
2. Awarding Plaintiff Authenticity Consulting statutory damages pursuant to 15 U.S.C. §§ 1117(c) and 1117(d).

3. Temporarily and permanently enjoining Defendants from using Plaintiff's mark "Authenticity Consulting."
4. Directing the domain registrar to transfer the domain AuthenticityConsultingLLC to Plaintiff.
5. Awarding Plaintiff its reasonable attorney fees, costs and expenses.
6. Granting such other relief as the Court deems just and equitable.

Dated: May 18, 2017

RUBRIC LEGAL LLC

S/ Chad A Snyder
Chad A. Snyder (#288275)
Michael H. Frasier (#387704)
233 Park Ave. S – Suite 205
Minneapolis, MN 55415
612.465.0074
chad@rubriclegal.com
michael@rubriclegal.com

Attorneys for Plaintiff
Authenticity Consulting LLC